REMARKS

Claims 1, 5-10, and 12-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Doshi (U.S. Patent No. 6,205,117).

Claims 4, 11, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Doshi in view of Chang (U.S. Patent No. 5,541,756).

I.   Preliminary Matters

Applicants thank the Examiner for considering the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed September 18, 2008.

II.   Claim Rejections - 35 U.S.C. § 102

Claims 1, 5-10, and 12-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Doshi (U.S. Patent No. 6,205,117).

Claim 1 recites among other elements: "collecting values of parameters characterizing the spectral route segments, which values of the parameters include values of optical transparency parameters."

Doshi describes sending a capacity request. In the direction from the source node to the destination node, each intermediate node reserves available spare capacity in accordance with the request and adds its link status to the message. (Col. 17, lines 38-53). Link status is indicative of the capacity and/or contention resolution status. (Col. 17, lines 12-23).

If only one capacity request is received, the destination node informs source node of the corresponding bottleneck links and contending demands. If the destination node received multiple capacity requests, such that there are multiple candidate end-to-end restoration paths, destination node selects the candidate path having the least number of bottleneck links. Destination node informs the source node of the selected path and its corresponding bottleneck links and contending demands. (Col. 18, lines 21-43).

To the extent Doshi discloses collecting values of the parameters in the message, the parameters relate to the available capacity and the ability to participate in the contention resolution. The collected parameters do not relate to the transparency parameters characterizing the spectral route segments, as claimed. An optimization method is performed based on these parameters values, according to the last clause.

Because Doshi does not teach or suggest at least "collecting values of parameters characterizing the spectral route segments, which values of the parameters include values of optical transparency parameters, in the message …; … and using an optimization method to process the collected parameters values in the destination node upon receipt of the message to select the spectral route and the spatial route that supports the selected spectral route," **claim 1 and dependent claims 5-10 and 12-14** distinguish patentably and unobviously over Doshi.

In addition, **claim 9** recites "determining sets of wavelengths available along the spatial route segments, from the starting node to the destination node, wherein the values of the collected parameters include identifications of the determined sets of available wavelengths."

The Examiner generally cites to col. 17, lines 49-53 and Figs. 4 and 5 of Doshi to support the rejection. (*See* Office Action, page 6, lines 7-8).

In Figs. 4 and 5, **Doshi** discusses a network using the same wavelengths, and a network using different wavelengths between the nodes. (Figs. 4, 5; col. 2, lines 64-66, col. 3, lines 25-30). This discussion relates a general background information about the networks.

Further, **Doshi** describes that the request lists the nodes on the proposed end-to-end path. In the forward direction from the source node to the destination node, each intermediate node reserves available spare capacity in accordance with the request and adds its link status to the message forwarded to the next node. (Col. 17, lines 49-53).

To the extent Doshi describes in the cited portions "determining sets of wavelengths available along the spatial route segments, from the starting node to the destination node," Doshi only generally discusses that the wavelengths may be different from a node to a node and that a capacity may be reserved. (Figs. 4, 5; col. 2, lines 64-66, col. 3, lines 25-30, col. 17, lines 50-51). To the extent Doshi describes in the cited portions "the values of the collected parameters

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include identifications of the determined sets of available wavelengths," Doshi discloses each intermediate node adding its link status to the message. (Col. 17, lines 51-53). However, the link status relates to an indication of a capacity and/or a contention resolution status. (*See* col. 17, lines 11-23). Therefore, recording the link status in the message is not the same as or an equivalent of collecting "the identifications of the determined set of available wavelengths" of the segments in the message, as claimed.

Accordingly, **claim 9** is patentable over Doshi.

Claims 12 and 13 recite features similar to claim 9 and are patentable at least for the similar reasons.

III.   Claim Rejections - 35 U.S.C. § 103

Claims 4, 11, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Doshi in view of Chang (U.S. Patent No. 5,541,756).

Claim 4 depends on claim 1. Doshi does not meet all of the features of claim 1. Accordingly, **claim 4** is patentable at least by virtue of its dependency.

In addition, **Claim 4** recites "the parameters characterizing all of the spectral route segments along each candidate spatial route take account of transparency constraints."

Chang describes a switch for routing optical data without subjecting it to opto-electronic conversion. The optical signals are manipulated and the switch's settings are changed accordingly to appropriately route the signals through the switch to avoid the opto-electric conversion. (Abstract, col. 2, lines 30-33, col. 5, line 4+).

To the extent Chang discloses taking into account the optical transparency constraints in the cited portion, Chang generally describes avoiding the opto-electric conversion of the signals at the switch. Avoiding the opto-electric conversion of the signals at the switch is not the same as or an equivalent of collecting the parameters along each candidate spatial route which take account of transparency constraints, as claimed.

Accordingly, even a proposed combination of Doshi and Chang lacks an aspect of "the parameters characterizing all of the spectral route segments along each candidate spatial route take account of transparency constraints," which are collected in the message.

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Therefore, **claim 4** is patentable over Doshi and Chang, taken singularly or in combination.

Claims 11 and 15 recite features similar to claim 4. Therefore, **claims 11 and 15** are patentable for similar reasons.

IV.   New Claims

In order to provide more varied protection, Applicant adds new **claims 16-19** which are patentable at least by virtue of their dependencies and additional features set forth therein. No new subject matter has been entered.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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